

U.S. House of Representatives
Committee on the Judiciary

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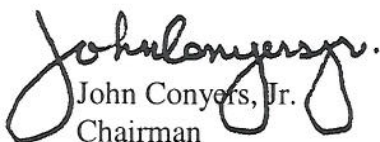
The Honorable John Spratt
Chairman
Committee on the Budget
U.S. House of Representatives
207 Cannon House Office Building
Washington, DC 20515-6065

The Honorable Paul Ryan
Ranking Member
Committee on the Budget
U.S. House of Representatives
B71 Cannon House Office Building
Washington, DC 20515-6065

Dear Chairman Spratt and Ranking Member Ryan:

Pursuant to section 301(d) of the Congressional Budget Act (2 U.S.C. § 632(d)) and House Rule X, clause 4(f)(1), we are submitting the views and estimates of the Committee on the Judiciary on the President's budget proposal for Fiscal Year 2008. These views and estimates encompass a broad range of programs within the Judiciary Committee's jurisdiction. We hope that they provide valuable guidance to your Committee as you prepare the budget resolution. Please feel free to contact us or our staffs should you have any questions or concerns.

Sincerely,


John Conyers, Jr.
Chairman


Lamar Smith
Ranking Member

Melanie Watson

Tammy Baldwin

Paul Dahlert

Ruth Boucher

Steve Chalant

Bruce Shuman

Arthur Davis

Howard L. Berman

Carol S. Ariff

~~Bernard Ariff~~

Arnold Thadler

Linda J. Sanchez

Debbie Wasserman Schultz

D.

Zoe Lofgren

COMMITTEE ON THE JUDICIARY
VIEWS AND ESTIMATES FOR FISCAL YEAR 2008

MANDATORY SPENDING

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

The Administrative Conference of the United States ("ACUS"), a nonpartisan body that made many cost-saving recommendations that improved the efficiency and efficacy of regulatory law and practice, was reauthorized at the behest of the Committee on the Judiciary pursuant to Public Law 108-401. It is anticipated that ACUS will be further reauthorized in the 110th Congress and appropriated \$3.3 million for fiscal year 2008.

RADIATION EXPOSURE COMPENSATION FUND

The National Defense Authorization Act for FY 2005 placed the funding for payment to workers covered under Section 5 of Radiation Exposure Compensation Act into the Energy Employees Occupational Illness Compensation Program, a mandatory and indefinitely funded program. Additionally, the Consolidated Appropriations Act of 2005 included language changing the funding of the RECA Trust Fund to mandatory and indefinite for the remaining claims paid out of that fund, and thus the program is no longer subject to appropriated funds. Administrative costs for the running of this program have now been included with the general administrative funds for the Civil Division.

FOREIGN CLAIMS SETTLEMENT COMMISSION

There has been little significant change in the operation of the Foreign Claims Settlement Commission. The budget request for the Foreign Claims Settlement Commission for FY 2008 is \$1,709,000. This is a slight increase above the \$1,600,000 appropriation expected for fiscal year 2007, and is supported by the Committee.

FEDERAL JUDICIARY

The Committee recognizes the Judiciary's essential role in providing justice to all citizens and the ever increasing workload and additional responsibilities thrust upon the Judiciary. The Committee understands that while the Judiciary has no control over the number of cases that are filed in the courts, it must handle each case filed and has no flexibility in how quickly it must handle many of these cases. The Judiciary's workload is heavily influenced by national policies initiated in the Executive and Legislative Branches.

The Committee supports the appropriation request of \$6.511 billion for FY 2008. In addition, the Committee intends to consider the adequacy of the salaries of Federal judges.

PRIVATE CLAIMS LEGISLATION

The Committee anticipates it will consider private bills for claims against the United States. The Committee felt that \$5 million was sufficient in 2006 and 2007 and believes that this figure, based on an analysis of private claims bills passed by recent Congresses, continues to be sufficient to meet the unanticipated costs associated with private claims legislation.

DISCRETIONARY SPENDING

ANTITRUST DIVISION (DOJ)

The President requests \$155.097 million for FY 2008, an \$8 million increase from the expected fiscal year 2007 level of \$147 million. The Committee supports the important work of the Antitrust Division and supports the increase. The Committee notes that the Administration has revised its submission for the Division to consolidate it into one line item covering all Division activities. In light of the importance of the Division's various activities, the Committee believes Congress should carefully consider the implications of the Department's new approach, to ensure that it will not result in undermining priorities important to Congress and the American people, such as merger enforcement to preserve competitive market structure, and civil non-merger enforcement to deter and remedy anti-competitive business conduct, as well as criminal prosecution of cartel activity.

EXECUTIVE OFFICE FOR U.S. ATTORNEYS (DOJ)

Within each of the 94 Federal districts in the 50 States, the District of Columbia, Guam, the Northern Mariana Islands, Puerto Rico and the Virgin Islands, the U.S. Attorneys are the chief law enforcement representatives of the Attorney General, enforcing Federal criminal law and handling most of the civil litigation in which the United States is involved. The Executive Office, located in Washington, DC, at the Department of Justice, is entrusted with the task of coordinating the efforts of these U.S. Attorneys with the policies and priorities of the Attorney General and supervising their activities.

The Administration's FY 2008 budget request for U.S. Attorneys is \$1.7 billion, an almost \$100 million increase over the of approximately \$1.6 billion expected to be appropriated for fiscal year 2007. While the FY 2006 enactment funded 10,097 permanent positions, the expected FY 2007 appropriation would fund 10,262 permanent positions. The Administration proposes to fund 10,465 permanent positions with the additional FY 2008 funding. Some of the increase is targeted to the Department's efforts with respect to gang prosecutions (38 permanent positions and \$4.079 million). An additional \$7.4 million (55 attorneys) would be dedicated to border and immigration prosecutions.

The Committee fully appreciates the role of the U.S. Attorneys as the chief law enforcement representatives of the Department of Justice and is committed to ensuring they are given the necessary resources to fulfill their responsibilities. To that end, we recommend

additional funding beyond that requested by the Administration given that many U.S. Attorney's Offices are suffering from significant budget shortfalls.

U.S. TRUSTEE PROGRAM (DOJ)

The U.S. Trustee Program is charged with supervising the administration of bankruptcy cases and trustees. Its mission is to protect and preserve the integrity of the U.S. bankruptcy system by regulating the conduct of parties, ensuring compliance with applicable laws and procedures, bringing civil actions to address bankruptcy abuse, securing the just and efficient resolution of bankruptcy cases, and referring bankruptcy crimes for prosecution. The Program is self-funded through user fees paid by participants in the bankruptcy system. The Program's appropriation is offset by fees it collects during the fiscal year. These monies are paid into the U.S. Trustee System Fund.

Approximately 51 percent of the Program's funding is subsidized by quarterly fees paid by Chapter 11 debtors. The remaining 49 percent of its funding is derived from a portion of filing fees paid to commence bankruptcy cases, interest earnings, and other miscellaneous revenues. The Administration's FY 2008 request of \$231.9 million reflects an increase of \$9.8 million over the FY 2007 appropriated level of \$222.1 million and \$20.2 million over the FY 2006 enacted level of \$211.7 million (with rescission and supplemental). This increase is principally comprised of adjustments to base consisting of \$4.4 million, representing expenditures for a 2.2% pay raise and annualization costs for 2007 and a 3.0% pay raise for 2008; and \$.7 million for rent. The increase does not include any program enhancements. The Committee supports the requested increase.

The General Provisions section of the President's Budget includes two proposed amendments to title 28 of the United States Code with respect to the U.S. Trustee System Fund. Section 109 amends 28 U.S.C. § 589a to authorize fines imposed under 11 U.S.C. § 110(l)(4)(A) to be deposited in this Fund as offsetting collections. For fiscal year 2006, this amount was \$26,675. Section 110 amends 28 U.S.C. § 1930(a) to increase the quarterly fees that Chapter 11 debtors pay to the U.S. Trustee for deposit in the Treasury. For fiscal year 2008, this revision is estimated to generate \$23 million. As part of its oversight responsibilities, the Committee will consider the necessity of these proposed amendments to title 28.

HELP AMERICA VOTE ACT

There are perhaps few greater priorities for the FY 2008 budget than continued federal support for election reform. The 2000 and 2004 elections exposed a number of deficiencies in our electoral system, the exposure of which has undermined a number of Americans' faith in our democracy. The 2006 mid-term elections exposed continuing deficiencies in voting systems. As such, the Committee will continue to examine the implementation of the Help America Vote Act of 2002 ("HAVA") to examine its impact on the prevention of voting irregularities.

The Administration requests \$15.467 million for the Election Assistance Commission under HAVA, an \$800 thousand decrease from the \$16.2 million expected to be appropriated for FY 2007 and a \$1 million increase from the FY 2006 enacted level. HAVA authorized at total of \$3.9 billion from FY 2003 through FY 2005, but previous Congresses appropriated only \$3 billion of that amount. Because of the critical importance of election reform and the implementation of HAVA requirements, the Committee recommends that HAVA programs receive the remaining \$900 million to achieve the amount fully authorized under HAVA at enactment.

OFFICE OF THE INSPECTOR GENERAL (DOJ)

The Office of the Inspector General (“OIG”) is an independent office within the Justice Department that is charged with reviewing federal legislation and investigating Department waste, fraud, and abuse. For FY 2008, the Administration provides \$73.2 million for this office, a \$3 million increase over the \$70.1 million that is to be appropriated for FY 2007. Of the increase, \$460 thousand and 3 new positions are to be used for oversight of the FBI’s Sentinel system, the FBI’s reporting of intelligence activity violations to the President’s Intelligence Oversight Board, and other Department activities. The Committee supports the work of the OIG and the recommended budgetary increase.

NATIONAL SECURITY DIVISION (DOJ)

The National Security Division was authorized by Congress in the “USA PATRIOT Improvement and Reauthorization Act of 2005,” (Public Law 109-177), which was enacted in 2006. The National Security Division consists of the elements of the Department of Justice (other than the Federal Bureau of Investigation) engaged primarily in support of the intelligence and intelligence-related activities of the United States Government, including (1) the Assistant Attorney General for National Security, (2) the Office of Intelligence Policy and Review, (3) the counterterrorism section, (4) the counterespionage section, and (5) any other office designated by the Attorney General.

For FY 2008, the Department is seeking \$78 million for the Division, an increase of \$11.3 million over the \$66.7 million it is to be appropriated for FY 2007. The Division proposes to add 21 positions (15 attorneys) to process FISA applications at a cost of \$3.1 million. In addition, it proposes to hire 11 individuals (8 attorneys) for counterterrorism investigative activities at a cost of \$1.3 million.

GENERAL LEGAL ACTIVITIES (DOJ)

The Committee is concerned with the Department’s proposal to consolidate the sections of each Division for budgeting purposes. Such consolidation would diminish oversight of how the various functions of each Division are prioritized and funded.

Office of Solicitor General

The Office of Solicitor General supervises and processes all appellate matters and represents the Government before the Supreme Court. For FY 2008, the Administration requests \$10.09 million, the same amount as is expected to be spent during FY 2007. No program enhancements or additional personnel are sought by the Administration. The Committee considers the work of the Solicitor General an important element of the role played by the Department of Justice and expects to consider whether the Administration's request is sufficient to insure the Solicitor General's work is adequately supported.

Civil Division

The Civil Division represents the United States, its departments and agencies, Members of Congress, Cabinet officers, and other Federal employees in litigation in state and federal courts. Its litigation reflects the diversity of government activities, involving, for example: the defense of challenges to Presidential actions; national security issues; benefit programs; energy policies; commercial issues such as contract disputes, banking insurance, patents, fraud and debt collection; all manner of accident and liability claims; and criminal violations of the immigration and consumer protection laws. Each year, Division attorneys handle thousands of cases that collectively involve billions of dollars in claims and recoveries. The Division confronts significant policy issues, which often rise to constitutional dimensions, in defending and enforcing various Federal programs and actions.

For FY 2007, the Administration requests \$245.023 million for the Civil Division, which represents a \$100 million increase over the FY 2006 enacted level of \$145 million and a \$40 million increase over the expected FY 2007 enacted level of \$205 million. The Administration requests 29 positions (23 attorneys) and \$3.3 million to defend against Guantanamo Bay-related lawsuits. It also requests 163 positions (124 attorneys) to handle immigration cases.

The Administration proposes consolidating the various sections within the Division (i.e., Federal Programs Branch, Office of Immigration Litigation, Torts Litigation) so that, for budgeting purposes, dollars are not assigned to specific sections.

The Committee considers the work of the Civil Division crucial to the mission of the Department of Justice. The Committee will carefully consider the program increases sought by the Administration, as well as the general activities of the Division, to insure that its performance facilitates its mission within the Department. The Committee is concerned with the Department's proposal to consolidate the sections of the Civil Division for budgeting purposes. Such consolidation would diminish oversight of how the various functions of the Civil Division are prioritized and funded.

Environment and Natural Resources Division

The Environment and Natural Resources Division of the Justice Department ("ENRD") is charged with litigation concerning the protection, use, and development of national natural resources and public lands, wildlife protection, Indian rights and claims, cleanup of hazardous waste sites, the acquisition of private property for federal use, and the defense of environmental challenges to government programs and activities.

The Administration requests \$91.4 million for FY 2008, which is the same as its estimate for FY 2007 spending. The Administration is proposing no additional personnel or program changes for the coming fiscal year. The Committee is supportive of ensuring ENRD has sufficient resources to properly support this work.

The Administration proposes consolidating the various sections within the Division (i.e., Natural Resources, Environmental Protection, Appellate and Policy) so that, for budgeting purposes, dollars are not assigned to specific sections.

The Committee is concerned with the Department's proposal to consolidate the sections of the Environment and Natural Resources Division for budgeting purposes. Such consolidation would diminish oversight of how the various functions of the Environment and Natural Resources Division are prioritized and funded.

Civil Rights Division

The Civil Rights Division of the Department of Justice is the primary institution within the Federal government responsible for enforcing Federal statutes prohibiting discrimination on the basis of race, sex, disability, religion, and national origin. The Division enforces Federal laws prohibiting discrimination in education, employment, credit, housing, public accommodations, voting, and certain federally funded and conducted programs. The Division has eleven sections: Appellate, Coordination and Review, Criminal, Disability Rights, Educational Opportunities, Employment Litigation, Housing and Civil Enforcement, Office of Special Counsel for Immigration Related Unfair Employment Practices, Special Litigation, Voting, and Administrative Management.

The Administration is requesting \$108.777 million for FY 2008, the same level it expects to spend in FY 2007. The Administration is proposing no program enhancements but is requesting 13 positions (8 attorneys) and \$1.7 million to handle human trafficking cases.

The Administration also proposes consolidating the various sections within the Division (i.e., Special Litigation, Voting Rights, Disability Rights) so that, for budgeting purposes, dollars are not assigned to specific sections. In light of the important statutory mission of each of the Division's various Sections, the Committee will carefully consider the proposal to consolidate the various sections for budgetary purposes.

The Committee recommends that funding levels for the Civil Rights Division be

maintained at a level that permits it to carry out its critical mission of guaranteeing equality under the law.

EXECUTIVE OFFICE FOR IMMIGRATION REVIEW (DOJ)

The Executive Office for Immigration Review ("EOIR") contains the corps of immigration judges, the Board of Immigration Appeals ("BIA"), and the Office of Chief Administrative Hearing Officer. EOIR presides over administrative immigration hearings such as removal, bond, and employer sanctions proceedings.

The budget request for EOIR is \$245 million, an \$8 million increase over the expected FY 2007 spending level. The Administration is seeking \$12 million and 120 new full-time personnel (including 20 immigration judges and 10 Board of Immigration Appeals attorneys) to handle an increased immigration court caseload. The Department also is proposing a \$4 million offset, which it will receive from the Immigration Examinations Fee Account.

While the Immigration Courts have completed more cases recently than in previous years, their caseload also has been growing and continues to grow. In particular, the Immigration Courts received 75,000 additional cases in FY 2005, and anticipate they will receive a minimum of 25,000 additional cases and 4,000 additional appeals in 2007. Given that resources to handle the current caseload are strained, increases are needed to ensure that due process in immigration cases is satisfied and that potentially dangerous aliens are removed in a timely manner. The President's budget would increase the number of immigration Judges by 20, and the number of staff attorneys and support staff by 10, to handle the increases in EOIR's workload. In addition, due to recent criticism expressed by the federal courts, the Attorney General has implemented a plan to reform EOIR to ensure respondents in removal proceedings receive fair and equal treatment under the law. The Committee recommends that EOIR be funded at a level that will enable it to achieve these goals.

COMMUNITY RELATIONS SERVICE (DOJ)

The Community Relations Service (CRS) was established under Title X of the Civil Rights Act of 1964. Since 1964, CRS has traditionally been responsible for the Prevention and Conciliation of Community Disputes program, which provides conciliation and mediation assistance to communities with the goal of achieving peaceful and voluntary resolution of racial and ethnic conflict. The Administration requests \$9.8 million for CRS in FY2008, a decrease of \$400 thousand from the expected FY 2007 appropriation of \$10.2 million. The Committee recommends that CRS be funded at a level necessary to achieve its important objectives.

FEDERAL BUREAU OF INVESTIGATION (DOJ)

The FBI is the nation's chief law enforcement agency, charged with investigating terrorism, cybercrimes, public corruption, white collar crime, organized crime, civil rights

violations, and other federal offenses. For FY 2008, the Administration proposes \$6.4 billion for the FBI, an increase of approximately \$400 million over the agency's FY 2007 appropriation. Of the funds, \$40 million and 150 new agents would be used for national security investigations. An additional 19 million and 29 agents would be used to expand the Weapons of Mass Destruction Directorate. The FBI proposes \$37.8 million and 6 new agents for enhanced supplies and equipment for secure interception of data from public and private networks. It also would expend \$12 million and create 50 new positions to enhance its surveillance capabilities. Finally, the agency requests \$22.8 million for enhancements to its Computer Analysis Response Teams, which collect and analyze digital evidence.

U.S. MARSHALS SERVICE (DOJ)

The Marshals Service has varied responsibilities. The Service administers the Asset Forfeiture Program of the Justice Department; conducts investigations involving escaped federal prisoners and other fugitives; ensures safety at judicial proceedings; assumes custody of individuals arrested by all federal agencies; houses and transports prisoners; and manages the Witness Security Program.

The Administration has requested \$899.9 million for FY 2008, a \$91 million increase over the \$808 million expected to be appropriated for FY 2007. This includes \$7.5 million and 40 deputy U.S. Marshals to help with the increased workload of transporting detainees along the Southwest Border. The Committee also plans to shepherd the enactment of bipartisan legislation to enhance court security. In addition to any existing funding, H.R. 660 authorizes \$20 million to U.S. Marshals for hiring entry-level deputies for providing security; for hiring senior marshals for investigating threats against judges and prosecutors; and for enhancing the Office of Protective Intelligence, which analyzes and disseminates judicial threat information.

While the Committee recognizes the need for increased security of judges and court officials, the Committee also believes that increased efforts are needed to protect Assistant U.S. Attorneys ("AUSAs") who are responsible for prosecuting dangerous terrorists, gang members, and other violent criminals who threaten or seek harm to AUSAs in an effort to obstruct or derail a criminal prosecution.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES (DOJ)

The Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") is responsible for enforcing the federal laws relating to alcohol, tobacco products, firearms and explosives, and reducing violent crime. The ATF works with other law-enforcement agencies to investigate and prevent violent crimes related to firearms, explosives and arson. It provides training to state and local law enforcement in arson and explosives detection, including canine detection training. As part of its efforts to fight violent crime, the ATF has been involved in investigating and reducing gang violence nationwide.

The Administration is requesting \$1.014 billion in FY 2008 for the ATF, a \$20 million increase over the expected FY 2007 appropriated level of \$980 million. The ATF requests an additional \$6.3 million and 34 positions to expand domestic firearms trafficking enforcement.

DRUG ENFORCEMENT ADMINISTRATION (DOJ)

For FY 2008, the Administration has requested \$1.803 billion for the Drug Enforcement Administration (“DEA”), a \$60 million increase from the expected FY 2007 appropriation of \$1.74 billion. Of the increase, \$29 million would be used for Southwest Border and methamphetamine enforcement improvements, including enhanced intelligence gathering, monitoring, and surveillance capabilities. The DEA also proposes to cut \$20.6 million and 80 agents from its Mobile Enforcement Teams, which are deployed temporarily to assist state and local law enforcement in high-drug areas.

The Committee supports reallocation of DEA resources from Mobile Enforcement teams and recommends that such resources be used to investigate Dangerous Drug Trafficking Organizations and those significant violators who have been identified by the Justice Department as part of the Consolidated Priority Targets program.

OFFICE OF JUSTICE PROGRAMS (DOJ)

The Administration request reflects both a reduction in funding for the Office of Justice Programs and the Community Oriented Policing Services office, and a shift in priorities from previous Administrations. The Committee opposes the President’s proposal to cut funding for these important federal programs that provide grants to states to combat crime, violence against women, and assist in the war on terror. These proposed cuts are particularly troubling in light of the fact that the FBI recently released data showing that violent crime rose 2.2% nationwide in 2005 (the largest annual increase in 14 years and the first since 2001). The proposed cuts should be re-examined given the need to concentrate state and local funding aimed at reducing violent crime, improving state and local law enforcement’s ability to respond to a terrorist threat or attack, and the need to address sexual exploitation and abuse of children and women in our communities.

The Committee supports robust funding for state and local first responders. First responders are the most likely to confront a terrorist attack before any Federal official. The Committee expects to work with its Senate and House counterparts to ensure that the Nation’s homeland security policy protects all of America.

Community-Oriented Policing Services

COPS is an important tool in the effort to fight crime. Implemented in 1994, COPS focuses on local strategies to fight crime and has been praised by federal, state, and local law enforcement and political officials. The President’s FY 2008 budget requests \$32 million for

COPS, a drastic cut compared to the sum of money the program is expected to spend in FY 2007. The COPS program is one of many programs to fight crime in our country. The Committee's reauthorization bill, the "Violence Against Women and Department of Justice Reauthorization Act of 2005," (Public Law 109-162) restructured the COPS program to allow more flexibility in COPS program activities. The Committee will continue to conduct oversight to ensure that the COPS program is funded at an appropriate level.

Office on Violence Against Women

The Justice Department's Office on Violence Against Women is charged with administering the Violence Against Women Act ("VAWA"). VAWA plays an important role in providing grants to help state, tribal, and local governments develop and strengthen effective law enforcement and prosecution strategies to combat violent crimes against women; develop and strengthen victim services in cases involving violent crimes against women; encourage arrest policies, distribute rural domestic violence and child abuse enforcement grants; aid victims of domestic violence, stalking, or sexual assault; reduce abuse and domestic violence; provide safe havens for children of abuse; and training for judges and court personnel.

The Committee notes that the Violence Against Women Act was reauthorized as part of the larger Department of Justice reauthorization legislation, which was signed into law by the President on January 5, 2006 (Public Law 109-162). The legislation included new VAWA grant programs and important changes to current law to improve the administration and operation of existing programs.

The Administration requests \$370 million for FY 2008 for this Office, compared to the \$683.0 million authorized by VAWA 2005 for Justice Department-administered programs. In addition, the budget proposes that all of the individual, competitive grant programs within VAWA be consolidated into one competitive program open to all eligible grantees. The Committee opposes the reduction in VAWA funding and the block grant proposal and believes the better approach would be to fully fund VAWA with each individual program receiving funding at the levels authorized by Congress.

Juvenile Justice

The Office of Justice Programs administers several grants under the juvenile justice umbrella. The Committee is concerned that the Administration would like to consolidate the individual grants into one larger program funded with \$280 million. In FY 2007, the Department is expected to spend \$323 million on such grants.

The Juvenile Accountability Incentive Block Grant Program ("JAIBG"), has helped states and localities throughout the country reform and strengthen their juvenile justice system. The Committee reauthorized the Juvenile Accountability Block Grant ("JABG") through FY 2010. The Committee notes that the "Consequences for Juvenile Offenders Act of 2002," reauthorized

in the Department of Justice Reauthorization Act, expanded the purposes of these grants and authorizes grant funding to be awarded to states through OJP to encourage states to adopt graduated sanctions programs for juvenile offenders. This program is expected to spend \$49 million in FY 2007. The Committee is concerned that the Administration did not request individual funding for this program for FY 2008. The program passed both chambers of Congress with near unanimous support and was supported by law enforcement and all entities concerned about juvenile justice. The program was funded at \$250 million in the past and was authorized at \$350 million a year. Local officials and advocates cite the rises in juvenile crimes we are seeing as resulting in large measure from the drastic reduction in funding for this program in recent years. Therefore the Committee believes it should be funded at the authorized level.

Project ChildSafe is a Federal, state, and local partnership designed to ensure that child safety locks are made available for every handgun in America. Such locks would prevent the unauthorized use and inadvertent discharge of firearms. In the past, this program has received support from the Judiciary Committee and the Administration. In FY 2007, this program is expected to spend \$490 thousand. In previous years, it had been appropriated \$1 million.

State and Local Law Enforcement Assistance

The Administration's budget request includes shifting the various programs funded under the State and Local Law Enforcement Assistance Program into a consolidated grant program funded with \$550 million. In FY 2007, the program is expected to spend \$1.8 billion. As is the case with other grant programs under the Office of Justice Programs, the Committee opposes the Administration's efforts to cut funding for vital law enforcement programs. The fact that Congress has appropriated increasing amounts of funds to these programs indicates their bipartisan support and importance. The Committee recommends that State and Local Law Enforcement Assistance be fully funded in the amount of \$1.84 billion for FY 2008 (FY 2007 spending plus 2% inflationary increase).

One particular component of State and Local Law Enforcement Assistance is of critical importance. State and local governments have had to bear an immense fiscal burden as a result of incarcerating criminal aliens. Although control of our Nation's borders is under the exclusive jurisdiction of the federal government, states and localities are only partially reimbursed for these expenditures through the State Criminal Alien Assistance Program ("SCAAP"). Reinterpretation of the statutory language establishing the program has further reduced the ability of state and local governments to be fully reimbursed for their actual costs.

The Committee recommends that the State Criminal Alien Assistance Program ("SCAAP") be funded for FY 2008. As in prior years, the Administration does not request any funding for this program. The program was originally authorized at \$650 million under the Violent Crime Control and Law Enforcement Act of 1994, and \$660 million is expected to be spent in FY 2007. The Committee notes that in the Violence Against Women and Department of Justice Reauthorization Act of 2005, this program was reauthorized for \$750,000,000 for fiscal

year 2006; \$850,000,000 for fiscal year 2007; and \$950,000,000 for each of the fiscal years 2008 through 2011. The Committee believes that SCAAP should be fully funded as authorized.

Finally, the Committee is disappointed that the Administration has failed to request an amount to fully fund the Capital Litigation Improvement Grants at \$75 million, the amount authorized by the Justice for All Act of 2004, Public Law 108-45. Approximately \$4.5 million is to be spent on such grants in FY 2007.

DNA Backlog Elimination

The Administration is proposing to transfer the DNA Initiative to the new Byrne Public Safety and Protection Program for which funding is requested at \$350 million. The Committee is concerned that the Administration's proposed budget does not identify what portion of the \$350 million would be allocated to the DNA Initiative. Funding for the DNA Initiative is critical to enhancing state and local law enforcement's ability to solve violent crimes and improve the accuracy of the judicial system. The DNA initiative includes funding for the following purposes: 1) to eliminate the DNA crime scene and convicted offender backlog; 2) make forensic lab improvements; 3) provide grants for DNA research and development; 4) provide specialized training for law enforcement and medical personnel; 5) provide programs to identify missing persons; and 6) provide post-conviction DNA testing.

Services for Victims of Crime

The Administration is proposing to consolidate various programs currently under OJP's Justice Assistance umbrella, including services for victims of crime. The Committee plans to review the Department's efforts to support crime victims and will work to ensure that these efforts are fully funded and prioritized by the Department.

TRANSPORTATION SECURITY ADMINISTRATION (DHS)

For the Transportation Security Administration ("TSA"), the Administration is requesting \$6.401 billion for FY 2008, a \$140 million increase over FY 2007's enacted level of \$6.26 billion. Of the increase, \$60 million is to be used to hire and deploy 1,329 new Transportation Security Officers to perform airport security duties. Another \$37.6 million is to continue development of the Secure Flight Program.

U.S. CUSTOMS AND BORDER PROTECTION (DHS)

The Department of Homeland Security's U.S. Customs and Border Protection ("CBP") is the federal agency principally responsible for the security of our Nation's borders, both at and between the ports of entry along the border and at our Nation's sea- and airports. The Committee supports the missions of the CBP, both at and between the ports of entry. Inspectors and Border Patrol Agents provide a critical shield against the entry of those who would enter the United

States unlawfully and serve as an essential component of our immigration-enforcement system. The FY 2007 budget seeks \$10.174 billion for CBP (\$8.8 billion in appropriated funds and \$1.4 billion in mandatory fee collections). This is an \$800 million increase over the FY 2007 level (\$8 billion in appropriated funds).

The Administration has designated \$1 billion of the FY 2008 funds for border security fencing and related infrastructure changes. In addition, \$645 million of the funds would be used for hiring and equipping 3,000 new Border Patrol agents and provide 688 operational/ mission support personnel. \$15 million would be spent on program enhancements for the Secure Freight Initiative. The Committee plans to review whether the CBP has complied with its mandate under the Intelligence Reform and Terrorism Prevention Act of 2004, Public Law 108-458, to increase significantly its hiring of Border Patrol agents.

In addition to CPB's immigration responsibilities, its components also play a critical role in confronting the law-enforcement challenges facing our nation. CBP's Interdiction and Security (Outbound) enforces U.S. export laws and regulations to prevent weapons of mass destruction from falling into the hands of criminals or terrorists. As part of this responsibility, the agency interdicts illicit proceeds from narcotics and other criminal activities in the form of unreported and smuggled currency.

Illicit currency is a critical element in the fight against terrorism, narcotics trafficking, and other criminal activities. The Border Patrol, a CBP component, has the primary responsibility for drug interdiction between the land ports-of entry. It participates in numerous interagency drug task force operations with other Federal, state and local law enforcement agencies through Operation Alliance along the southern border. All Border Patrol Agents receive Drug Enforcement Administration Title 21 cross-designated authority as part of their basic training. The purpose of this program is to increase the effectiveness of the agents patrolling the border. Additionally, CBP has the largest Federal law-enforcement canine program in the United States, with over 1,200 canine teams assigned to over 76 ports of entry and 69 Border Patrol stations. This program is responsible for detection of narcotics, currency, explosives, chemicals, and other illegal contraband.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (DHS)

U.S. Immigration and Customs Enforcement ("ICE") is the largest investigative arm of DHS. Comprised of several components from the former Immigration and Naturalization Service ("INS"), the U.S. Customs Service, and the Federal Protective Service ("FPS"), the agency combines the investigative, detention and removal, and intelligence functions of the former INS with the investigative and intelligence functions of the former Customs Service. The Administration is requesting \$5.015 billion for FY 2008 (\$4.8 billion in appropriated funds and \$234 million in mandatory fee collections). In FY 2007, ICE received \$4.7 billion (\$4.5 billion in appropriated funds and \$250 million in mandatory fee collections).

The primary purpose for the additional \$300 million is the Administration's Secure Border Initiative, a border control and interior enforcement program. The increase includes \$31 million and 28 permanent positions for 600 additional detention beds. The Committee is concerned that the Administration did not fund the authorization for 8,000 additional detention beds per year contained in the Intelligence Reform and Terrorism Prevention Act of 2004 (P.L. 108-458). These beds are necessary to end the practice of catch and release. It also includes \$28.7 million and 110 permanent positions for the Criminal Alien Program, which consists of the identification and removal of criminal aliens in federal, state, and local facilities.

Unfortunately, the total hours worked by investigators on employer sanctions cases fell from almost 714,000 in 1997 to 135,000 in 2004, a drop of 81 percent. Additionally, the number of notices of intent to fine employers for violations fell from 1461 in 1992 to 2 in 2005, a drop of 99 percent. Finally, the number of arrests of unlawfully present alien employees fell from 17,552 in 1997 to 445 in 2003, a drop of 97 percent.

Federal Protective Services

FPS is a fee-funded agency and recovers the cost of providing law enforcement and security support from the customer agencies. For the Federal Protective Service (FPS), the Administration is requesting \$613 million for FY 2008, which is a \$400 million decrease from FY 2007's level of \$1 billion.

U.S. CITIZENSHIP AND IMMIGRATION SERVICES (DHS)

The Homeland Security Act created the U.S. Citizenship and Immigration Services ("CIS") to administer the important immigration service functions described in the Immigration and Nationality Act, such as adjudicating naturalization and permanent residence applications. The CIS total budget request is for \$2.569 billion (\$30 million in appropriated funds and \$2.54 billion in mandatory fee collections), an overall increase of \$580 million over the FY 2007 enacted level.

Of the increase, \$530 million in additional fees are sought to hire 1,495 new employees for service enhancements and security and integrity initiatives (including fraud detection and prevention). An additional \$139 million derived from premium processing service fee receipts would be used for modernizing the petitioning infrastructure. Because CIS is a fee-based agency that has not conducted a comprehensive fee review since 1998, in order to raise fees enough to cover its costs, it is severely underfunded. The agency conducted a fee review in 2006 and has proposed a rule raising immigration benefit fees to update its technology, provide better services, and ensure that the cost of adjudicating cases is covered by fees.

In a recent hearing, the Committee examined the adequacy of the methodology developed by CIS to determine appropriate fee increases. The Committee has supported specially appropriated funds to eliminate the backlog and to transform the agency's technology

modernization efforts, and will continue to support them as necessary. The Committee intends to conduct continued oversight to determine whether fees should be increased and discretionary funds appropriated, to continue the technology transformation and modernization effort at CIS.

The Committee notes with approval the establishment of the Refugee Corps within CIS, which is intended to provide a strong and effective overseas refugee processing program that more efficiently identifies inadmissible persons and those who are of national security interest without compromising the U.S. Refugee Program's humanitarian objectives. The Committee urges adequate funding in FY 2008 to operate this initiative.

US VISIT

The Committee is concerned that the Administration did not fund the exit portion of the United States Visitor and Immigrant Status Indicator Technology ("US VISIT") program. None of the \$462 million requested for US VISIT will go toward continuing development and implementation of the exit portion of the entry-exit tracking system required by Congress in 1996 in order to know who is entering and exiting the United States and how long they stay in the country. Full implementation of US VISIT is essential to national security and effective enforcement of immigration of laws.

REAL ID GRANTS

The REAL ID Act of 2005 implemented the 9/11 Commission's recommendation that the federal government should set strong standards for the issuance of sources of identification, such as drivers' licenses, to help ensure that fraudulent identification cards would no longer be used by terrorists and other criminals. Under REAL ID, in order for a state's drivers' licenses and identification cards to be used for any federal government "official purpose," the cards must comply with the standards set forth in REAL ID designed to prevent fraudulent use of the card including its use for identity theft and to establish false identities. Those standards include tamper-proof security features, a biometric identifier, biographic identifying information, a digital photograph and machine-readable technology. The REAL ID Act allows the Secretary of the Department of Homeland Security (DHS) to "make grants to a State to assist the State in conforming to the minimum standards set" by the REAL ID Act of 2005 and authorizes "such sums as may be necessary" to carry out the secure drivers' license provisions of REAL ID. Some Members of this Committee supported the REAL ID Act while others opposed it. Those Members that supported it are concerned that the Administration's FY 2008 budget contains no requested funding for such grants.

OFFICE OF REFUGEE RESETTLEMENT (HHS)

Division for Unaccompanied Alien Children

The Committee strongly supports the Administration's request for \$135 million for ORR's

Division of Unaccompanied Alien Children, which exercises responsibilities for the care and placement of unaccompanied alien children while they are awaiting resolution of questions relating to their immigration status. This is \$40 million more than is to be appropriated for FY 2007.

Matching Grant Program

The Committee is particularly concerned about funding for the Matching Grant program, which is funded through the Transitional and Medical Services ("TAMS") line item within ORR's budget.

The Matching Grant program is administered through individual refugee resettlement agencies that have provided resettlement services to refugees. Its goal is to divert refugees from welfare dependency by providing intensive services to them to help them quickly become self-sufficient. It has proved to be a realistic, cost effective and "Fast Track" vehicle for assisting refugees attain economic self-sufficiency in the shortest period possible without accessing public cash assistance. It had the highest measurable self-sufficiency outcomes for fiscal year 2005, with 78 percent of clients enrolled becoming self-sufficient due to employment through the program. Program participants also have impressive job retention results nationwide.

The Matching Grant Program maximizes private contributions, whereby resettlement agencies "match" the federal grant with private cash and in-kind contributions on a 2:1 basis, providing an enormous amount of local community involvement in the resettlement process including volunteer time and contributions. This program should be fully funded and will be the subject of the Committee's review.

LEGAL SERVICES CORPORATION

The Legal Services Corporation ("LSC") is a non-profit entity established by Federal statute for the purpose of providing financial support for legal assistance in noncriminal proceedings or matters to persons financially unable to afford legal assistance. For FY 2008, the Administration requests an allocation of \$311 million for LSC, an overall decrease from the FY 2007 appropriation of \$348.6 million. The request specifically allocates: \$289.1 million for basic field programs and required audits; \$3 million for the Office of Inspector General; \$12.8 million for management and administration; and \$5 million for client self-help and information technology.

Pursuant to its independent budgetary authority, however, LSC requests \$430.7 million in appropriated funds for FY 2008. The request specifically allocates: \$407.8 million for basic field programs and required audits; \$3 million for the Office of Inspector General; \$13.8 million for management and administration; \$5 million for client self-help; and \$1 million for a loan repayment assistance program. The Committee is supportive of ensuring that LSC has sufficient resources to properly support its work.

OFFICE OF GOVERNMENT ETHICS

The Office of Government Ethics ("OGE") is responsible for providing the overall direction of executive branch policies designed to prevent conflicts of interest and to ensure high ethical standards. For FY 2008, OGE is requesting \$11.8 million, an increase of approximately \$1 million over the expected FY 2007 appropriation. The Committee recommends that OGE be adequately funded to fulfill its important functions.

U.S. COMMISSION ON CIVIL RIGHTS

The Commission on Civil Rights was created to serve as a bipartisan, fact-finding agency. For FY 2007, the Commission is expected to be appropriated \$9 million, level funding from FY-2005 and 2004 levels. The Commission is requesting a decrease in funding to \$8.8 million for FY 2008. The Committee will examine the impact of this proposed cut, in light of several years of level funding, on the ability of the Commission to perform its core functions.

U.S. PATENT AND TRADEMARK OFFICE

The Administration proposes that the Patent and Trademark Office ("PTO") to collect and spend \$1.916 billion, subject to appropriation acts, from fee collections to cover operating expenses, including the payment of retirement benefits for employees. This amount is derived from user fees paid by patent and trademark applicants or from fees for other services provided by the Office. No taxpayer funds are expected or recommended.

The Committee supports full-funding of the PTO and the elimination of any incentive to use agency revenues for non-PTO purposes. All revenue generated under the new fee schedule, adopted as part of the Consolidated Appropriations Act of 2005, is necessary to implement the PTO 21st Century Strategic Business Plan, including proposed quality initiatives, government initiatives, and enhanced patent processing. The Committee will continue to work with the House Leadership and the Committee on Appropriations to ensure the end the practice of user-fee diversion without compromising the ability of the Committee on Appropriations to conduct oversight of PTO activities.

U.S. COPYRIGHT OFFICE

The Copyright Office budget is a separate appropriation in the overall budget for the Library of Congress. The Copyright Office administers the U.S. copyright laws, provides copyright expertise to the Congress and executive branch agencies, and actively promotes international protection for intellectual property created by U.S. citizens. The Committee supports the Copyright Office's basic appropriations request of \$51.562 million for FY 2008.

STATE JUSTICE INSTITUTE

Congress established the State Justice Institute (“SJI”) as a private nonprofit corporation in 1984. Its purpose is to improve judicial administration in state courts. SJI accomplishes this goal by providing funds to state courts and other national organizations or non-profits that support state courts.

SJI also fosters cooperation with the federal judiciary in areas of mutual concern. Since its creation in 1987, the Institute has awarded more than \$125 million in grants to support over 1,000 projects. Pursuant to oversight legislation passed in the 107th Congress, the Attorney General, in consultation with the Federal Judicial Center, conducted a review of SJI operations and reported his findings to Congress. In sum, the Attorney General noted that the Institute had been "effective" and had complied with its statutory mission. He further observed that “support for state court innovation and improvement is a federal interest.”

The 108th Congress reaffirmed its commitment to SJI by authorizing its operations through FY 2008 pursuant to the terms of Public Law 108-372. Consistent with this legislative action, the Committee support a \$7,000,000 appropriation for SJI in FY 2008.

**Additional Views of the Honorable Maxine Waters
Committee on the Judiciary
Budget Views and Estimates for Fiscal Year 2008**

March 1, 2007

Mr. Chairman. I support the Judiciary Committee's views and estimates related to the Fiscal Year Budget for 2008. However, I would urge that funds be allocated to the Attorney General for the specific purpose of investigating security risks related to Direct Recording Electronic voting machines (DREs) that do not produce a voter verified paper audit trail (VVPAT). In recent elections, there have been numerous reports of malfunctions of the DREs; and therefore requires significant scrutiny by the Department.

I also recommend that consideration be given to the creation an Office of Gang Prevention and Violence Eradication within the Department of Justice. With the proliferation of gang activity and violence in communities across the United States, we need to develop a business center within the Justice Department that can comprehensively coordinate national activities related to gang prevention and violence eradication.

Maxine Waters

Additional View

Help America Vote Act

There is no right more fundamental than the right to vote and the administration of fair and just elections is a vital element of our democratic form of government. It is against this backdrop that Congress administers and oversees federal elections through both the Committee on House Administration and the House Committee on Judiciary, consistent with the Constitution and the Rules of the U.S. House of Representatives. To ensure that Congress speaks with one voice on the state of our electoral system, I recommend that this Committee work closely with the Committee on House Administration given that Committee's direct responsibility for investigating any impropriety and electoral irregularities in the administration of federal elections.

A handwritten signature in black ink, reading "Steve Chabot". The signature is written in a cursive, flowing style. The first name "Steve" is written in a larger, more prominent script, and "Chabot" follows in a similar but slightly smaller script. The signature is positioned above a short horizontal line.

Steve Chabot
Member of Congress

Clarification Note:

DNA Backlog Elimination

That funds directed under Section (5) "provide programs to identify missing persons" also include testing to identify unidentified remains.

A handwritten signature in black ink, reading "Steve Chabot". The signature is written in a cursive style with a horizontal line underneath the name.

Steve Chabot
Member of Congress